DEMANDS FOR GRANTS.—(*Contd.*)

DEMAND VII—GENERAL ADMINISTRATION—HUZUR CUTCHERRY, ETC.

Motion 140.—(Contd.)

PRESIDENT: We will now resume the discussion on the budget. We were discussing motion No. 140.

MR. N. KUMARAN (*Nominated*): Sir, I should like to offer some remarks about one or two of the important issues raised in his speech by Mr. Kumara Pillai. The question of importing foreign Dewans has been now before the public for some time and has been referred to in this Council more than once. The demand for appointing Travancoreans to the exclusion of foreigners has become more and more insistent.

PRESIDENT: May I point out one thing to the House? Strictly speaking, it is not relevant to the discussion of the motion before the House. I may remind the House that the questions of appointment of the Dewan and of an Executive Council are matters relating to the prerogative of the Ruler. Of course, representations made in regard to these matters are always placed before the Ruler and they are considered by the Ruler. But I do not think that they should form the subject of *discussion* in the Legislative Council. I do not mean to say that you should not refer to it at all. But to discuss it at length does not seem to be appropriate. The resolutions in regard to the appointment of an Executive Council have been disallowed by me on the ground that it is a matter which relates to the prerogative of the Sovereign.

MR. N. KUMARAN (*Nominated*): These are only suggestions.

PRESIDENT: That is why I did not stop Mr. Kumara Pillai from talking about it.

MR. N. KUMARAN (*Nominated*): May I proceed, Sir?

PRESIDENT: Yes.

MR. N. KUMARAN (*Nominated*): The three main grounds advanced against the importation of such men are that they are mostly British Indian civilians looking to that Government for official preferments, that they have no permanent interest in the country and that the system discourages native talent. The first two grounds may be met by several counter-arguments showing that we stand to gain by infusing fresh blood into our administration, by obtaining the services of men of wider outlook and greater experience of administrative problems and of men who are untainted with the local caste and religious prejudices. But I believe the third ground against such importation is unanswerable. No one can deny that we have the right to order our own house in our own way. Self-preservation is the first law of nature as of all civilised societies. The

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absence of any prospect of coming to the top of the administration, so far as our own men are concerned, has a most depressing effect on them. Their aspirations do not soar beyond certain heights. They do not grow to their full stature so that men with brilliant university careers easily become a prey to caste and sectional prejudices and deteriorate to mediocrities and pass off as being fit only to occupy second-rate and third-rate posts in the public service. I feel that, to a certain extent, they dig their own grave of official preferments. Even though men are mostly what their environments make them, it behoves at least the best of us who want to control the high affairs of the State, to rise superior to the narrow prejudices of their surroundings and thrust their heads above the layers of mephitic air and breathe in purer atmosphere and grow to complete manhood and be a credit to themselves and to their country. I have reasons to believe that our officers are often put to a great strain by men of their own communities and compelled to accept their point of view. There are very few indeed who can rise above these baneful influences. Men of strong convictions, men whose sense of justice transcends the limits of their sects and castes and whose moral rectitude does not stop with the punishment of their subordinates—it is these men who alone are able to rise superior to their surroundings. They will have the interests of the whole country at heart and will regard all communities as equally entitled to their sympathy and consideration. There can be no doubt that the administration of the country in their hands is bound to be successful and would be productive of lasting good to the country. But it is the duty of us all to create an atmosphere where the development of such outstanding personalities is rendered possible.

Now I should like to add one qualification to my support of Mr. Kumara Pillai's proposition in this respect. Mr. Kumara Pillai's view is that we should, on no account, have a Dewan from outside. I am sorry I cannot agree with him there. If the right sort of man is available in Travancore, let us by all means have him. He may be even much inferior to the best man that may be selected from outside. If our own man has the necessary talent, broad vision and outlook, we shall certainly forgo the luxury of having an alien man from outside. The Dewan is the highest officer in the country and his inefficiency and incapacity will be a serious calamity. Therefore, if, at any time, we have not got the proper man in the local market, we must have the freedom to import from outside a man competent to administer the State.

There is another aspect of the question which has been apparently lost sight of. Patriotism is indeed a noble virtue, but it is better to avoid the appearance of provincialism and parochialism. "Travancore for Travancoreans" like "Mysore for Mysoreans" is a cry often heard in the press and on the platform. Is it not enough to limit this cry to all appointments except the highest? In this connection, two considerations must weigh with us in coming to a conclusion. Vast changes are taking place in the Government of British India. We cannot entirely cut ourselves off from British India. In fact, it is up to us

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to claim to be heard in the ordering of the vast changes that are coming over that country. I think it was during the recent budget debate that Mr. G. Parameswaran Pillai referred to this aspect of our political life. Secondly, we are sending some of our best men to compete for the Indian Civil Service. They will soon come to occupy some of the most coveted positions in that service. Does it fairly lie in our mouth to say, while we are sharing in the official loaves and fishes in British India, that we would slam our door against all outsiders in respect of all appointments? I doubt whether wisdom lies that way. The ordering of the Indian Civil Service is soon bound to be in the hands of the Indian Legislature. I ask, why not leave the door a little open at least in order to avoid a conflict with British Indian opinion?

I hope I will not be misunderstood. I am speaking for myself and not as representing any community. I cannot conceal the fact that the backward communities have been prospering under this foreign administration though latterly in a diminishing proportion. These communities are therefore thankful. But it does not follow that they would not fare equally well under native Dewans of the right sort. And it is well and proper that native talent is tested. I hope it will not fail to rise equal to the occasion.

The second point I wish to refer to is the constitution of an Executive Council. The world has long begun to dislike one-man rule. It is good both for the Dewan and the people that he is assisted by a Council sharing responsibility with him for the laying down of policy and the carrying on of the administration of the country. Most of the evils of having foreign Dewans pointed out by Mr. Kumara Pillai will vanish if the Dewan is assisted by an Executive Council. I have not heard any valid argument advanced against the establishment of the Council. I have therefore great pleasure in giving my unreserved support to that proposition.

MR. M. R. MADHAVA VARIAR (*Chengannur cum Pattanamtitta*): Sir, I heartily support Mr. Kumara Pillai's motion. As the Huzur Secretariat forms the motor nerve of the whole administrative body, a discussion on this motion cannot but relate to the all-comprehensive State policy. I doubt whether there will be any real divergence of opinion with regard to the appointment of Travancoreans as Dewans of the State. For an unbroken period of very many decades, Travancore has not had the fortune to have a Dewan of her own though education has made rapid strides in the State. One can understand the importation of distinguished foreign administrators as Dewans of the State when Travancore was educationally backward. But now such a course is insulting to the intelligence and capacity of the educated citizens of the country. There are officers of capacity and distinguished citizens in the country able to conduct the administration of the country as well as any Dewans appointed from outside. The one argument which is advanced against such a proposition is that a Travancorean

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Dewan will become the apple of discord for the several communities that inhabit the State. If such petty and unreasonable jealousies were to stand in our way, I should be very glad to welcome foreign Dewans. But the people have come to realise the folly of such a suicidal policy; and, as far as I am able to understand, there is unanimity of opinion in favour of appointing a Travancorean as Dewan. Whatever else may be the fault of a Travancorean Dewan, he cannot but be patriotic. He will also feel that even after retirement he will have to live amidst the Travancoreans. I do not wish to belittle the work of able and patriotic foreign Dewans who had won the love and esteem of the people. The best motive that actuates a foreign Dewan to advance the interests of the people will be the love of reputation. A foreign Dewan will be satisfied with the favours of the British Government and the Maha Raja. When intricate questions involving the relationship between Travancore and the British Government are discussed, foreign Dewans have invariably failed to satisfy the public with regard to their actions. Very many important subjects are excluded from the purview of this Council. A foreign Dewan who is entrusted with these subjects is not expected to know the people or to identify himself with the interests of the people.

Mr. Kumara Pillai also dealt with the inauguration of an Executive Council. I am not specially inclined towards the creation of an Executive Council. But I am against this one-man rule. It is impossible for the Dewan to adequatety supervise the working of the several departments. The final decision of one man without due consultation with others is bound to be defective. The complaint made by the mover that the Dewan entirely relies on the representations of his subordinates is quite true. The Dewan has not sufficient time to enquire into the details of administration. When the Law Member relied on the report of the District Magistrate of Kottayam with regard to *Satyagraha* as gospel truth in the teeth of strong adverse reports, I came to realise that the Government were not at all responsible to the people. If the Dewan and other officers felt that they had to satisfy the people for every one of their actions, such a course would not have been adopted. Call it an Executive Council or a Cabinet, we want a deliberative and advisory body of members to assist the Dewan and to be in charge of separate departments. These members should be responsible to the representatives of the people and should be liable to be removed by them. There is no use adding to the number of bureaucrats by appointing one or two officials as members of an Executive Council. The whole country demands a responsible Council of the sort mentioned by me. The interests of democracy require the constitution of a Council of Ministers. Each Dewan now tries to break away from the policy pursued by his predecessor. If you want continuity of policy in the administration or efficiency in the public service, you must have an Executive Council or a Council of Ministers. A Travancorean Dewan with a Council of Ministers to assit him is the ideal of young educated Travancore. When that ideal is attained, many of the ills which the

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country is heir to will be completely eradicated. Then there will be no attempt to swell the coffers of the State as a mark of statesmanship. The policy of "divide and rule" will be relegated to the limbo of oblivion. (*Hear, hear.*) This House as a body must request Her Highness the Maha Rani Regent that, at least when the next Dewan is appointed, the wishes of the people may be favourably considered.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I welcome unreservedly the agitation in favour of Travancorean Dewans. Mr. Kumara Pillai, so far as I am able to see, only stands for a principle and is not against any man or any set of men; and he began his speech by paying a glorious tribute to those gentlemen from outside who came here as our Dewans and administered the country to the best of their ability and in the best interests of the State. Government have admitted that Travancoreans are sufficiently educated and they have also been taking a good deal of complacent satisfaction for spending so much money on educational activities in the State. Though His Highness the Maha Raja's College has been going on for about sixty years and many of her *alumni* have distinguished themselves in learning, capacity, and character, we find that, during all these years, there has not been a single *alumnus* of His Highness the Maha Raja's College who has been fortunate enough to become the Dewan of Travancore and work for the country in that high and trusted position.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, His Highness the Maha Raja's College of Arts*): May I ask Mr. Velu Pillai whether he has considered the case of Mr. Sankarasubbier, an old *alumnus* of the College?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Mr. Sankarasubbier was not a graduate.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, His Highness the Maha Raja's College of Arts*): Mr. Velu Pillai referred to the *alumni* of the College and not to graduates.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I only referred to persons who had been educated in a college strictly so called and took their degrees.

PRESIDENT: That need not necessarily mean a graduate.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I leave it, Sir. This is all I have to say. Further, Mr. Sankarasubbier was educated at a time when the present Maha Raja's College was not in existence. Let us not go to ancient history. (*Laughter.*)

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, His Highness the Maha Raja's College of Arts*): Was the Maha Raja's College in existence sixty years ago?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Mr. Sankarasubbier was educated more than sixty years ago.

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RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, His Highness the Maha Raja's College of Arts*) : Has the Maha Raja's College been in existence for the last sixty years?

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): It was not in existence at the time Mr. Sankarasubbier was educated.

Therefore, the feelings of Travancoreans ought to be respected when they desire that they should have a Travancorean as Dewan. There is also the further fact that, as the political machinery is at present constituted, the Dewan is the soul-giving force of the administration and the other officers are inferior luminaries adding lustre to the firmament of glory of which the Dewan is the centre. So, if a Travancorean is placed at the centre of that system and if that Travancorean happens to be efficient and patriotic, the people of Travancore expect very great things from him.

On the other side of the line, however, there are facts which there is no use in glossing over. It has been said that there is much of communal strife in the State. It has been said that communities are warring against one another. There are also people who may say that all this alleged warfare does not exist. But we find that, at the time of the municipal elections or the elections to the Legislative Council, the subject on the platform on which the whole question is talked of is one of caste. There is also the clash of religions. I for one am not prepared to believe that there is absolute solidarity of interest between the different sections of the people. I do not agree to the proposal that, because there is this difficulty, we should never have a Travancorean Dewan. Government should see that, by very systematised work, these differences cease to exist and solidarity and homogeneity of interest are created; because it is a sacred trust that Government must encourage the feelings of amity between the various communities. Sir, even in wider spheres, such as British India, in spite of all that people might say in favour of *Svaraj* and Hindu-Muslim unity, we find that the whole question of peace is jeopardised by communal bickerings and clash of religious interest. Much more will it be so in smaller spheres like Travancore. Suppose there are these difficulties. Suppose also that there is the feeling on the part of educated Travancoreans that they should get a Travancorean as their Dewan. It has been pointed out, Sir, that the appointment of the Dewan is a matter of royal prerogative. I freely concede that position. All that we do in this Council is to respectfully submit, for the consideration of Her Highness the Maha Rani Regent, that the feelings of the people and their aspirations may be taken into consideration when appointments are made. I am not in favour of any drastic rule that on no account should an outsider be appointed as Dewan, because, if there is a man of towering personality, character, capacity and reputation who is prepared to come to Travancore on three or four thousand rupees a month and if it happens at the same time that, in the public service of Travancore or among the non-officials here, there is no one with anything like the

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same capacity, then certainly the outsider may be appointed. But instances like that are necessarily rare. Now that democratic institutions have been brought into existence and encouraged by the enlightened policy of the Government, the Legislative Council itself will serve as a check on the appointment of foreigners as Dewans in the usual course, because, in the light of all this feeling on the part of the people, if a gentleman from outside is appointed Dewan, there will be much resentment in the Sri Mulam Popular Assembly and in the Legislative Council. There will be a regular clamour and the Sovereigns of Travancore will, in future, carefully consider the question of appointing Dewans.

PRESIDENT: May I draw your attention to the time?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I do not wish to take more time on this question. I have got to mention one more point. Although the appointment of the Dewan is the prerogative of Her Highness, there is a good way of enforcing the rights of Travancoreans and representing the wishes of the subjects. If in three successive meetings of the Legislative Council and in one meeting of the Sri Mulam Popular Assembly there is the vote of an absolute two-thirds majority expressing want of confidence in a particular Dewan, the Sovereign for the time being will be morally compelled to remove that Dewan.

MR. A. HOOGEWERF (*Nominated*): I rise to a point of order regarding the use of the words 'moral compulsion' as applied to the Sovereign.

PRESIDENT: He only spoke of *moral* compulsion.

MR. A. HOOGEWERF (*Nominated*): We can only exert moral compulsion and not physical compulsion. I object to these words.

PRESIDENT: I do not think you can exert physical compulsion against one another even here. (*Laughter.*)

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): In the light of your explanation, Sir, I do not think I need answer Mr. Hoogewerf. Wherever there is legal or moral responsibility, there is some moral compulsion also.

I wish to emphasise one more point. Whatever be the feeling in the country and however much we wish to have a Travancorean as our Dewan, let us not view the question in a narrow spirit. It has been stated by Mr. Kumaran, for example, that there are brilliant men of Travancore who are occupying high positions in British India and in other Indian States. Suppose the people of British India and other Indian States begin to retaliate upon Travancoreans and say that they are not going to have Travancoreans in their service. That is a very serious matter. Therefore, let us not view the matter in any narrow spirit. Let us express our wish that we shall be happy in case Travancoreans are appointed as Dewans when there are properly qualified men. Let it not appear that we view the question in a very

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narrow spirit so as to provoke retaliation. Let not Travancore suffer thereby at the present day when there is so much talk of Indianisation of the services and national regeneration of India.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): It is rather unfortunate that a question of such magnitude and importance should have been raised for discussion as a side-issue on a motion for the reduction of Rs. 100 from the total allotment for the Huzur Cutcherry. Sir, since it has been ruled that no other occasion would be given to the House for the discussion of such questions which have been declared to vest in the prerogative of the Ruler, I submit that the representations that we are making in connection with this motion may be taken to be only certain well-understood, well-considered wishes of the members of this House that should guide the Ruler in taking any action in regard to such matters.

As rightly observed by Mr. T. K. Velu Pillai, Mr. Kumara Pillai's motion is not directed against any particular person or class of persons as foreigners. The only principle that we are fighting for is that, since it has been observed as a hard and fast rule, as it were, for the past several decades, that Travancoreans cannot aspire to the very highest position of trust and responsibility in the administration of State, it is only legitimate that the people should feel keenly in this matter. It may be even treated as a question of the prestige of Travancoreans. In spite of the boasted intelligence and public-spiritedness, education and enlightenment of Travancoreans, the highest place in the administration of the country is not open to a son of the soil. It may be that Travancoreans are unfit for the place. It may be that sufficient occasions do not arise. It may be that we do not get Travancoreans efficient enough for the post. I ask, what else is the possibility? You have been treating Travancoreans in such a manner that their ideals fall short of the highest place. They have not had that incentive to work themselves up to the highest place in the administration. Their highest aims could be perhaps only for appointment as the head of a district or the head of a particular department. That has been our fate and it is therefore that the capacity for taking initiative has been cramped on account of the treatment accorded to them in the past several decades. It is therefore high time now that Travancore, which is the training ground for the British Indian worthies who are occupying positions of trust elsewhere with conspicuous ability and eminence, should also be the training ground for Travancoreans to become worthy of their own education and in keeping with their self-respect in their own native land. (*Mr. A. Hoogewerf: Hear, hear.*) Sir, it is demoralising for us to forget the principle of self-determination that has been so well recognised.

It has been mentioned that there are several communities warring against one another and that there is not absolute solidarity of interest among the various communities in the State. No doubt, that is true to a certain extent. But to argue that that particular fact should be so highly exaggerated as to remove from the path of the Travancorean his legitimate dues, is a position that could be hardly sustained. Because when

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we get an outsider, even he cannot help belonging to one or other of the communities that are warring against one an other in Travancore. That is not the case in British India, because it is the European that gets the upper hand there and he does not belong to any caste or community.

PRESIDENT: Is there not the European community in British India, Mr. Paramesvaran Pillai?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): But in the sense in which warring between the communities is spoken of, the European community is not a community there. The complaint in British India is that there is no union between the Muslims and the Hindus, between the Christians and the Hindus and so on. The difficulty there is about the full Indianisation of the services. Such difficulties do not exist in Travancore. Therefore that question may be left apart.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): May I ask Mr. Paramesvaran Pillai if he is not aware that, in the previous meeting of the Legislative Council, several members suggested, for the consideration of Government, that a European officer should be put in charge of flood relief work?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I submit that question does not appear to me to be in any way relevant for the discussion.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): That is for the Chair to decide.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I am just stating my opinion of it and I have got the option of answering the question put to me. I say that that question is not in any way relevant.

MR. N. KUMARAN (*Nominated*): Was it not because Mr. Robinson was found to be a thoroughly efficient officer?

PRESIDENT: Mr. Paramesvaran Pillai has not yet answered the question of Mr. Velu Pillai. Therefore you cannot put a further question on that.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): That was exactly the answer that I was about to give. The conflict between the various communities should not be taken as a ground for tabooing Travancoreans from the place of Dewanship. If, however, Mr. Robinson or any other person has been appointed in charge of a particular matter, that depends entirely upon the qualification of that particular gentleman to do that particular work. We are at a general question and not concerned with the work of any particular department. So then, it is rather unfortunate, Sir, that we have to put that forward as a plea that we Travancoreans should be put in charge of the administration. This position of ours is due to the fact that for the last several decades we have not had that opportunity. We now wish that we are restored to the original position in which we were formerly. These are only our humble submissions to our Ruler for kind consideration.

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In regard to the other question about the Executive Council, Sir, that question cannot be so easily disposed of by a short discussion of this nature. The question deserves a careful and thorough discussion and unfortunately we are not able to do it here. I have only to endorse the statement of Mr. Madhava Variar that there is no good in having an Executive Council with two or three new officers. The creation of two or more officers who will only be on a par with the Dewan of the State is *not* what is wanted. (*Hear, hear.*) We want an Executive body which would be *responsible* to the Legislature. That is our aim, our ideal. If the goal of representative institutions is to be reached, then my humble suggestion is that the essentials necessary for that must not be forgotten. The mere form and nomenclature of representative institutions is absolutely useless without the fundamentals vitally necessary. The executive body should be made responsible and accountable to this House. If the goal is popular or representative Government, then the lines on which it is to be constituted should be clearly laid down and in so doing the fundamentals and essentials should not be forgotten. It is therefore our humble submission that, in case an Executive Council is created, we wish very much that it is made responsible to this Legislature.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Sir, in regard to the observations made on the other side of the House about the policy of appointing foreigners to the Dewanship of this State and the necessity for the creation of an Executive Council, I have very little to add to what has already been mentioned by the President, *viz.*, that they are matters which relate to the prerogative of Her Highness the Maha Rani Regent and that we shall not be justified in discussing them in this Council. I may, however, assure the House that the Government will see that the representations made on the subject are duly submitted to Her Highness.

I do not propose to deal with the various alleged acts of omission and commission on the part of foreign Dewans.

Mr. Kumara Pillai said that certain leases had been granted to the prejudice of this State. He has not given me the particulars of the leases and so I am not in a position to deal with them.

In regard to the Cochin Harbour, I do not know whether Mr. Kumara Pillai has read the Press Communiqué issued by the Madras Government and republished in our *Government Gazette*.

MR. T. KUMARA PILLAI (*Eraniel cum Vilavankod*): I have read it.

MR. R KRISHNA PILLAI (*Chief Secretary to Government*): If we participate in the Cochin Harbour Scheme, I do not know how we shall be justified in claiming a share of the gross profits.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I wish to know whether that question can be discussed at all in that manner. If allowed, several other points of view may also have to be considered.

PRESIDENT: He is not discussing it. He is only pointing out that, if there are three parties to a transaction and if they agree to share

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the profits, naturally they are entitled to a share only in the *net* profits and not in the *gross* profits.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Another point dealt with by Mr. Kumara Pillai was the absence of a free flow of officers between the Secretariat and the executive departments. I believe I have already mentioned in this Council itself on a previous occasion that such an exchange of officers is not possible until the officers of the Secretariat and of the non-technical executive departments are put in the same or similar *cadre*. The question of equalising the *cadres* of gazetted officers is being examined by the Government.

MR. A. J. VAN ROSS (*Excise Commissioner*): May I say a few words?

PRESIDENT: There is no time.

MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*): ദിവാൻജിമാരെ നിയമിക്കേണ്ടതും എക്സിക്യൂട്ടിവ് കൌൺസിൽ സ്ഥാപിക്കേണ്ടതും രാജാധികാരത്തിൽ ഉൾപ്പെട്ടതാണെന്ന് എനിക്കറിയാം. രാജാധികാരത്തിലുൾപ്പെട്ടസംഗതികളിൽ ആക്രമിക്കണമെന്ന ഞാൻ വിചാരിക്കുന്നില്ല. ഇവിടത്തെ രാജാംഗത്തെ ഇവിടത്തെ ജനങ്ങൾ പ്രത്യേകമായിട്ടാണ് കരുതിവരുന്നത്. ജനങ്ങളുടെ ആവശ്യങ്ങളും അപേക്ഷകളും രാജസന്നിധാനത്തിൽ അറിയിക്കണമെന്നുള്ള ജനങ്ങളുടെ ആഗ്രഹം പാരമ്പര്യമായുണ്ടായിട്ടുള്ളതാണ്. സ്വദേശീയരെ ദിവാൻജിമാരായി നിയമിക്കുന്ന കാര്യമോ എക്സിക്യൂട്ടിവ് കൌൺസിൽ സ്ഥാപിച്ചുകിട്ടുന്ന കാര്യമോ നിമിത്തമായിൽ പ്രതിപാദിക്കാൻ പാടില്ലെന്നു വച്ചിരിക്കുന്ന സ്വദേശീയദിവാൻജിമാരെ നിയമിക്കേണ്ട കാര്യത്തിലും എക്സിക്യൂട്ടിവ് കൌൺസിൽ സ്ഥാപിച്ചുകിട്ടേണ്ട കാര്യത്തിലും പൊതുജനങ്ങൾക്ക് എത്രത്തോളം താൽപര്യമുണ്ടെന്നുള്ളതു രാജസന്നിധിയിൽ അറിയിക്കുന്നതിന് ഈഅവസരത്തെ ഉപയോഗപ്പെടുത്തി എന്നേയുള്ളൂ.

സ്വദേശീയദിവാൻജിമാരെത്തന്നെ നിയമിക്കണമെന്നു പറയുന്നതിന് എന്നെ പ്രേരിപ്പിച്ചിട്ടുള്ള കാരണങ്ങൾ എന്റെ പ്രസംഗമദ്ധ്യത്തിൽ വ്യക്തമായി പറഞ്ഞിട്ടുണ്ട്. ഈ രാജ്യത്തുള്ള ജനങ്ങളുടെ അവകാശത്തേയും അഭിമാനത്തേയും രക്ഷിക്കുന്നതിനായിട്ടാണെന്ന് വീണ്ടും ഇവിടെ പ്രസ്താവിച്ചുകൊള്ളുന്നു. ഇവിടത്തെ ജനങ്ങളുടെ വിദ്യാഭ്യാസത്തിലേക്കായി ആണ്ടുതോറും നാല്പതു ലക്ഷം രൂപായോളം ചിലവാക്കിവരുന്നു. വിദ്യാഭ്യാസത്തിൽ ഇവിടത്തെ ജനങ്ങൾ മുന്നണിയെ പ്രാപിച്ചു നില്ക്കുന്നു. എന്നിരുന്നിട്ടും, ഈ നാട്ടിനെ ഭരിക്കുന്നതിന് ഇവിടെ ആളില്ലെന്നു വരുന്നത് ഇവിടത്തെ ജനങ്ങൾക്ക് ഏറ്റവും അഭിമാനക്ഷയമായിട്ടാണു

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ങ്ങളം കരുതുന്നത്. ഇവിടത്തെ ദിവാൻപദം അതിലേക്കനുയോ ജ്യനമായ ഏതു മതസ്ഥനും കൊടുക്കുന്നതിൽ എനിക്കാക്ഷേപമില്ല. ഇവിടെയുള്ള ജാതിസ്പർദ്ധയെപ്പറ്റി എന്റെ സ്നേഹിതന്മാരിൽ ചിലർ പ്രസ്താവിക്കുകയുണ്ടായി. ജാതിസ്പർദ്ധയുണ്ടെങ്കിൽ അതു പ്രധാനമായി പട്ടണങ്ങളിലാണ്. അതിനുള്ള കാരണം ഉദ്യോഗസമ്പാദനത്തിലുള്ള മത്സരമാണ്. ഇവിടെയുള്ള നാല്പതുലക്ഷത്തിൽപരം ജനങ്ങളിൽ ഇവിടത്തെ പബ്ലിക്ക് സർവ്വീസിൽ പതിനേഴായിരത്തിൽപരം ഉദ്യോഗങ്ങളേ ഉള്ളൂ എന്നാണ് തോന്നുന്നത്. ആ ഉദ്യോഗങ്ങൾ കിട്ടുന്നതിലും ഭൂരിപക്ഷം ജനങ്ങൾക്കു വിരോധമുണ്ടെന്നു തോന്നുന്നില്ല. അവർ അഗ്രഹിക്കുന്നതും അവർക്കു കിട്ടേണ്ടതും നിഷ്കളങ്കമായ പബ്ലിക്കു സർവീസാണ്. ഉദ്യോഗസമ്പാദനത്തിൽ വന്നുകൂടുന്നതായ ജാതിമത്സരത്തിനു കാരണഭൂതന്മാർ സ്വദേശികളാണോ എന്നെനിക്കു സംശയമാണ്.

വിദേശീയദിവാൻജിയായാലും സ്വദേശീയദിവാൻജിയായാലും, പല കാരണങ്ങളാലും വന്നുകൂടീട്ടുള്ള ജാതിസ്പർദ്ധയെ എളുപ്പം പരിഹരിക്കാവുന്നതല്ല. മേലാലെങ്കിലും അങ്ങനെ വരാതിരിക്കുന്നതിനും ഉണ്ടെങ്കിൽ അതു വളർത്തിക്കാതിരിക്കുന്നതിനും ആണ് സ്വദേശീയദിവാൻജിമാർവേണമെന്നു ഞാൻ പറയുന്നത്.

വിദേശീയ ദിവാൻജിമാരോട് എനിക്കശേഷം ബഹുമാനക്കുറവില്ല. അനേകം വിദേശീയദിവാൻജിമാരെ എനിക്കടുത്തറിയാനിടയായിട്ടുണ്ട്. അവർ ചെയ്തിട്ടുള്ള ഓരോ പ്രവൃത്തികൾക്കും ജനങ്ങൾ നന്ദിയുള്ളവരാണ്. എന്നിരുന്നാലും, അവർ പലേ ഭരണന്യൂനതകളും വരുത്തീട്ടുണ്ടെന്നുള്ളതു പറയാതിരിക്കാൻ നിവൃത്തിയില്ല. അതിലേക്കവരെ ഞാൻ കുറ്റപ്പെടുത്തുന്നതിനെക്കാൾ അതിലേക്കവരെ പ്രേരിപ്പിച്ചിട്ടുള്ള അവരുടെ നിലയുടെ വൈഷമ്യത്തെയാണ് ഞാൻ കുറ്റപ്പെടുത്തുന്നത്. അതിനാൽ ആ വക വൈഷമ്യങ്ങളെ തീർത്തു രാജ്യക്ഷേമം വർദ്ധിപ്പിക്കുവാൻ ഉള്ള സൌകര്യം മഹാറാണി തിരുമനസ്സിലെ ഗവർമ്മെന്റിനുണ്ടെന്നാണ് ഞാൻ ഇപ്പോൾ പ്രസ്താവിച്ചുകൊള്ളുന്നത്. ഈ സംഗതികളെ കൌൺസിലിന്റെ ഗൌരവമായ ആലോചനയ്ക്കു വിഷയമാക്കണമെന്നു മാത്രമേ എനിക്കു വിചാരമുള്ളൂ. അതു സാധിച്ചിരിക്കുന്ന സ്ഥിതിക്കു ഈ പ്രമേയത്തെ ഞാൻ പിൻവലിക്കുന്നു.

The motion was, by leave, withdrawn.

Motion 141.

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): Sir, I beg to move the following motion :—

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[Mr. R. Krishna Pillai.]

"141. To reduce the allotment of Rs. 22,100 for Legislative Council by Rs. 100."

I have only to make a few suggestions of minor importance with regard to the conduct of work in the Council.

My first suggestion is that the right of asking supplementary questions should not be confined to those who ask the questions. Rule 14 should be so amended as to enable all members to put supplementary questions on any question that has been answered in the Council.

Another suggestion that I have to make is that the rules regarding the meetings of the Select Committees should be made more stringent so as to compel the attendance of members and to ensure speedy disposal of business. The reports of the Select Committee should be submitted as speedily as possible.

There is a legitimate matter of complaint with respect to one or two resolutions which have not been given effect to.

I would also refer to the necessity of supplying all possible information to the non-official members in order to enable them to study the subjects with which they have to deal. All Government publications, such as reports of committees of enquiry, should be sent to them as promptly as possible. We know that Government are ready to oblige us whenever we ask for such publications, but it seems to me that it would be better to send them to the members as a matter of course. A publication like the "Mysore Blue Book Journal" would have served the purpose of giving up-to-date information to non-official members and the public. We have got a very efficient staff in the Legislative Section and they may be entrusted with the work; and I take this opportunity to offer a word of praise to the Reporters and the staff of the Legislative Section who have been always willing to oblige us with whatever information we required.

The Council Library has grown considerably, but the problem of finding suitable accommodation for it has to be solved. The absence of a common room for consultation and a reference library ready to hand during the sittings of the Council is keenly felt by the non-official members. The question of having a Council Chamber has again to be postponed for want of funds. It is, however, a matter of the utmost importance to have a suitable building for this Council and the Popular Assembly. It will be a fitting memorial to the great Sovereign author of this Council and of the Assembly which bears His Highness' name.

The important reform of the Legislative Council by the creation of an Executive Council responsible to it is a question requiring early consideration.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Sir, I have very little to say by way of reply. In regard to the creation of the Executive Council, I have already said what I had to say. The other suggestions made by my friend Mr. Ramakrishna Pillai will be duly considered.

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MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Sir, I have very great pleasure in seconding what Mr. Ramakrishna Pillai has said in connection with the work of the Legislative Section.

The main topic that has been brought forward by Mr. Ramakrishna Pillai is the creation of an Executive Council. With respect to that, I heard it mentioned during the discussion on the previous motion that this House is attempting to trench upon the prerogative of the Sovereign authority. I am sorry I cannot take that view. In one sense, anything that is suggested or recommended by this House cannot but affect the prerogative of the Sovereign. So far as we are concerned, everything is centred in the Sovereign. So, if we are to keep aside all that we have to say simply on the ground of the prerogative of the Sovereign, there may not be anything at all to be urged by this side of the House. The creation, therefore, of an Executive Council responsible to this House is a subject which in my humble view of the matter, falls clearly within the privileges of this House.

PRESIDENT: May I point out that I have given my ruling and that you are criticising my ruling? I do not think it is in order.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I am very sorry. I never understood it as a ruling from the Chair. I thought that it was only a suggestion. I do not think that you can find a more compliant person than myself to bow to the ruling from the Chair.

PRESIDENT: What I said was that, so far as the discussion and voting of the proposal for an Executive Council was concerned, since it was a matter connected with the prerogative of the Sovereign, the Council would not be in order to discuss and vote upon it. I did not say that Mr. Kumara Pillai should not speak upon it, because the suggestions and representations made in regard to that matter will be submitted, as all suggestions and representations made in this Council are being submitted, to the Ruler. I felt I should not prevent the House from making suggestions and representations; but I thought it was not in order to discuss and vote upon a matter which is strictly the prerogative of the Ruler. Hence my ruling. It is for that reason that I have disallowed the resolution on the subject of the Executive Council. In that sense it was a ruling from the Chair.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I thought it was simply a suggestion thrown out to members for regulating the discussion of the question that was before the House.

If it is a ruling from the Chair, let me make it very clear to you, Sir, that it is far from my mind to attempt to taste the forbidden fruit. (*Laughter.*) Then I simply express my desire that the Executive Council may be brought into existence. (*Laughter.*)

Another point raised in connection with Mr. Ramakrishna Pillai's motion had reference to a suitable accommodation for the House itself. I have sent in a motion myself upon that subject and I would reserve my views upon it till that motion comes up for discussion.

As regards the Council library, one finds it rather difficult occasionally to be in the library to consult the volumes in the library without

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[Mr. P. K. Narayana Pillai.]

taking away the books. That is a matter which requires some attention on the part of the President. Members may be given sufficient accommodation in the library room for the purpose of reference temporarily there.

Then, there are other questions, Sir, which I would press upon the attention of the House in connection with the work of the House. The distinction that is now observed, no doubt under the Statute, between the official side and the non-official side is a very rigid one, and I am just proposing for your consideration whether there should not be an attempt on the part of the Government and of this House to diminish the distinction as far as possible and entrust the official business to some of the non-official members also. (*Laughter.*) For example, in the matter of drafting bills and in other directions—

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): May I ask whether there is any objection to the non-official members undertaking it now?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): By way of reply to my esteemed friend Mr. Subba Aiyar, especially with reference to legislative business, may I point out that it is not because of any objection that is thrown in the path of the non-official members that they are reluctant to undertake it? The Regulation and Rules are such that, even though a non-official member may be in the Council during the whole of its life, it may be practically impossible for him to carry through any measure. The rules are so framed that, if a Bill emanates from the official side, it has got the safety of being carried on even if it outlives the normal period of the duration of the Council. In the case of non-official Bills, they will share the ordinary fate of any other—

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Unless the member is returned and he revives it, or some other member takes it up.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): There is no good in relying on "unless," "but," "if" and such other contingencies.

PRESIDENT: I am not sure if you are strictly right in regard to what you have said about the official Bills. Let us take the case of the Village Panchayat Bill and its progress.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): That is because my friend Mr. Subba Aiyar has got too many irons in the fire. He has got a big Bill like the Civil Procedure Code Amendment Bill. Then there are contentious measures like the Nanjinad Vellala Bill in respect of which we are practically taking new evidence. If we are confronted with such measures, of course the progress will be a little tardy. Slow and steady is the way with our Select Committees.

PRESIDENT: Is it not so in the case of non-official Bills also?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): There is also the difficulty there that it requires further stages to pull it through.

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The official member will be able to close or complete a particular Bill that he may introduce. In all these directions, I am only suggesting this, to break down the barrier that now exists between the non-official and official sides as far as possible in the practical working of the business of this Council. And it is that aim that I am just placing before the House for consideration. With these observations, I have very great pleasure in seconding the suggestions made by my friend Mr. Ramakrishna Pillai.

MR. A. HOOGEWERF (*Nominated*): I just want to make one or two observations. We must all be allowed to join in the interpellation as is done in Madras, and to put supplementary questions.

PRESIDENT: I know it is done in the Legislative Assembly.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): I have got a copy of the Madras Standing Orders. It is allowed in the Madras Council.

MR. A. HOOGEWERF (*Nominated*): I also suggest that we may be given a little more time. Fifteen minutes is too short a time to prepare supplementary questions. (*Laughter.*)

PRESIDENT: You have been making very good use of the allotted fifteen minutes.

MR. A. HOOGEWERF (*Nominated*): With very great strain upon me. (*Laughter.*) The whole thing is placed upon the table and above board. What harm is there in allowing us half an hour instead of a quarter of an hour? In the short time that is now allowed, we can only ask questions in a very slipshod fashion. If more time is allowed, we will ask questions in better order and with great effect.

Another suggestion that I have to make is about the distribution of the electric fans. As it is, they are not evenly distributed. I get very little breeze as also other members on the back benches.

PRESIDENT: This is only a temporary *habitat*. When we get a Legislative Council hall, all the conveniences will be provided for.

MR. A. HOOGEWERF (*Nominated*): When others are enjoying the luxury we are without it. The visitors also will be very much obliged if a few more fans are added on.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): My friend Mr. Ramakrishna Pillai observed that Select Committee Reports should be submitted much earlier than they are done now. I daresay Mr. Ramakrishna Pillai knows very well that the difficulty sometimes is in finding a quorum to conduct business, for which the official member in charge is certainly not responsible, because he is always present.

As for the suggestion of Mr. P. K. Narayana Pillai that the non-official members should also have a share in introducing Bills, I, for one, have always welcomed non-official Bills, because that course will certainly relieve to a very great extent the official member in charge

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[Mr. N. Ramakrishna Pillai.]

of the Bills. If non-official members would gladly undertake a certain amount of responsibility in regard to it, for instance, the Vakil's Regulation which stands in need of considerable amendment might be taken up by any one of the non-official members and brought up-to-date. So also, in the case of other bills. I do not know what difficulty or doubt or difference Mr. P. K. Narayana Pillai feels in the matter. Three years is certainly too long a period for any Bill to be got through. I do not know of any instance of a Bill having lapsed on account of three years being not sufficient. That depends upon other circumstances. Even otherwise, whether it is in the Madras Legislative Council or in the Legislative Assembly, non-official Bills are introduced and passed without many of them lapsing. Even if any lapses at the end of three years, of course, if the member is returned or if any other member wants to go on with that Bill, there is no difficulty whatsoever. The difficulty has not been as yet felt here. There has been only one non-official Bill through the whole life of this Council, namely the Nayar Bill. More Bills ought to be forthcoming.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Mr. P. K. Narayana Pillai said that the non-official members should be asked to introduce Bills on behalf of the Government, that is, official Bills.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I do not know whether my friend knows what it means to ask a non-official member to draft a bill. He may send in a bill of costs for the purpose after drafting the Bill. That is a matter to be seriously taken into consideration. (*Laughter.*)

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Is there any precedent where a Government Bill is given to a non-official member for introduction?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Not ordinarily.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): I am glad that Government are prepared to give early effect to the suggestions made by me. I have nothing further to add.

PRESIDENT: Government did not promise anything. They only said that they would examine and consider.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): It was said that the Government were prepared to consider the question.

PRESIDENT: Yes. Government are prepared to examine and do all that they can.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): Most of these suggestions can very easily be given effect to. Mr. Subba Aiyar was complaining of the difficulty of finding a quorum in the Select Committees. In regard to that, there must be a stringent rule to enforce the attendance of the members.

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PRESIDENT: Even in this Council the members are not bound to attend on all occasions.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): In regard to the work in the Select Committees my idea is that a rule should be provided to enforce the attendance of the members. A good deal of important work has to be done in the Select Committees and it is absolutely necessary that provision should be made for enforcing the attendance of the members.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Is he in favour of coercive process to enforce the attendance of members?

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): I am in favour of any proposal which will enforce their attendance.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Is he prepared to go to the extent of the arrest and imprisonment of the members for the purpose?

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): I do not think it is necessary to go to the extent of arrest and imprisonment. Probably that may prevent the members from attending committee meetings. I withdraw the motion.

The motion was, by leave, withdrawn.

Motion 142.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I beg to move the following motion:—

142. To reduce the allotment of Rs. 22,100 for Legislative Council by Rs. 100.

Sir, the object of the motion is this. Unfortunately, under the Regulation and the rules, we are not permitted to discuss important questions relating to the Legislative Council, and we have to confine our attention to comparatively minor matters, such as accommodation, library, etc. Still, without trenching upon forbidden ground, I may be permitted to point out two or three facts for the consideration of Government.

Firstly, in regard to the appointment and the salary of the Deputy President. In the budget estimate for 1100, we find an allotment to the extent of Rs. 3,000 as allowance to the Deputy President, and it has been classified as a non-votable item. Sir, in the first place, while being jealous to be strict to the letter of the law, I would certainly submit that the law does not prohibit, as it is, the salary or allowance of the Deputy President being voted upon. So I raise the point. It is only a question of principle I wish to raise in this motion. I am not at all concerned with personalities. It is, as you know, Sir, the privilege of other legislatures in British India to elect their own Deputy President and vote his salary. In our case, the Regulation declares that "Our Government shall appoint a Deputy President." I would only submit that there is nothing disparaging to the Dewan or the Government in asking the Council to elect a person and submit

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[Mr. G. Parameswaran Pillai.]

his name to the Government. In that case, the purpose will be gained without altering the law itself. Further, before the Deputy President is paid any amount, it is desirable that his salary should be made votable by the House. Under the Regulation, it is only salaries or allowances of *officers* that are declared to be non-votable and those cannot be voted. The Deputy President will not be termed an official as defined in the Regulation, because it is only an officer in the Civil List having pensionable appointment that will come under that category.

Another fact that I wish to point out is that the proportion of officials and non-officials in this House may be varied in favour of the non-officials. Past experience, that is, the experience gained during the last two years, must have shown that it is a very narrow minority that disposes of questions of much importance against non-officials, and in such cases the proportion that we are now having is only 56 per cent. of the elected non-officials out of fifty members. Now we have got fifteen official members on the other side and one at least of them is not interested in the discussions of the House because his department is non-votable. In regard to another department, there is a superfluity.

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Which is that?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): The Education Department. All the other departments have got only one member to represent. Not that we underrate the presence of any member on the official side. We have derived valuable help from such members. But all the same my submission is that it is a matter of preserving a certain proportion between the officials and non-officials. Every attempt must be made to see whether it will not be possible to give us a fair chance. Now 56 per cent. of the elected non-officials constitute all the 23 constituencies and the five seats for special electorates. Sir, we should at least have a clear majority out of the seats for territorial constituencies. That has been my contention, and that contention, I submit, may be given effect to even under the existing Regulation. The term of this Council is drawing to a close and a suitable opportunity is now available.

PRESIDENT: What reasons have you to adduce in favour of that suggestion?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Sir, our Legislative Council Regulation is mainly based upon the Government of India Act and we find that in the provincial legislatures not less than 70 per cent. are elected non-officials.

PRESIDENT: But you are talking about territorial constituencies and suggesting an increase in their number.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I draw a distinction between territorial constituencies and special constituencies

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PRESIDENT: You think that territorial constituencies are more representative than special electorates. What is your reason for that?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): The particular reason is this, viz., that the representatives of particular interests in the House cannot be said to view questions of general importance affecting the masses with that degree of disinterestedness which the members representing the masses out of the territorial constituencies will view. It is that sense of disinterestedness and detachment that I value more than their being non-officials. It is with a view to give greater security to the interests of the masses that I plead for a greater representation of their own men than that of special interests. I do not cast any aspersion upon their motives or upon their conduct but I say that representatives of special interests will have special leanings in regard to certain questions as against the interest of the masses. Therefore my contention is that more constituencies should certainly be based on territorial principles.

Then with regard to Mr. Ramakrishna Pillai's suggestion regarding the privilege of supplementary questions being asked by members other than those who put the question, I beg to say that it is a matter which is prevalent in all the other Legislative Councils established in British India and there can be no objection to the same being adopted here. We are really suffering for want of that provision here. If a member is unable to attend, the Council has no opportunity of getting the answer.

As it is, we are having only seven days for the discussion of the budget. Sir, it might have been within your experience that, during the last budget session, we were at the Medical Department when we dispersed. This year from what has been transpiring during the last three days, I hope it will not be so. Still I have my own apprehension that we may not progress further than the Medical Department. My submission is that nine days be allotted here also for the discussion of the budget as elsewhere. In Madras and other Provincial Legislative Councils, nine days are allotted for the discussion of the budget.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): May I know the number of members in the other Councils?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): It is more than 100—136 and so forth.

PRESIDENT: In Madras, it is 130, I believe.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): My point is this. We are nevertheless discussing the budget and going through the budget with as much attention and care as the members of other Legislative Councils. Probably, the strength of the Council has been the basis fixed by Mr. Subba Aiyar and others. I am also placing all these limitations for the consideration of Government.

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): May I know how far we went at the end of the first budget session?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): We hurried through the entire budget, I believe.

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[President.]

These are my suggestions for the consideration of Government, which may be given effect to without alterations being made in our Legislative Council Regulation.

MR. N. KUMARAN (*Nominated*): In supporting what Mr. G. Paramesvaran Pillai said in moving this motion, I would like to offer a suggestion. In this Council there are seven nominated members. They are being considered neither as non-official members nor as official members.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): They are considered as non-official members.

PRESIDENT: I think they are exercising their non-official privileges to the full.

MR. N. KUMARAN (*Nominated*): I know that. But, all the same, they do not come under the category of members who are returned from various electorates.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Will my friend include Mr. Hoogewerf also in that category?

MR. N. KUMARAN (*Nominated*): I do not like to answer my friend; but I like to go away from it rather than enter into it. The non-official members who are elected by the various constituencies would always say that they want to consider only the wishes of the elected representatives, so much so, that it happens that we are considered as Mr. Hoogewerf would say 'neither fish nor flesh nor good red herring.' In order to avoid this difficulty, I submit that there is no necessity for having 7 nominated members. Five of them might be asked to go away and 28 members might be returned from the general constituency. Thus the number of this undesirable lot (*laughter*) might be as much reduced as possible.

MR. A. HOOGEWERF (*Nominated*): I quite agree with what Mr. Kunaran said—

PRESIDENT: He calls you an undesirable lot. (*Laughter.*)

MR. A. HOOGEWERF (*Nominated*): I do not quite agree with Mr. G. Paramesvaran Pillai.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I did not speak a word about the nominated members or the principle of nomination.

MR. N. KUMARAN (*Nominated*): It is my suggestion.

MR. A. HOOGEWERF (*Nominated*): I would like to know what else he said, I did not quite hear.

PRESIDENT: He said that there should be a larger number of elected members, particularly those sent up by the territorial constituencies.

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MR. A. HOOGEWERF (*Nominated*): As opposed to nomination?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): As opposed to special electorates as Jenmies, Planters, etc.

MR. A. HOOGEWERF (*Nominated*): If he meant that, I do not want to make any criticism on that.

PRESIDENT: You do not agree with Mr. Kumaran. Do you?

MR. A. HOOGEWERF (*Nominated*): I misunderstood Mr. G. Paramesvaran Pillai. I did not know what Mr. Kumaran said. I did not hear.

PRESIDENT: He wanted the number of the nominated non-officials to be reduced, because they are neither fish nor flesh nor good red herring. He therefore wanted them to be reduced.

MR. A. HOOGEWERF (*Nominated*): I disagree with him, not that I wish to be nominated again (*laughter*); but on principle, Mr. Kumaran would not have been here if there was no nomination.

PRESIDENT: He prefers to come through the open door of election.

MR. A. HOOGEWERF (*Nominated*): He may not succeed. There is only a single representative of the mighty Ezhava Community here.

PRESIDENT: Mr. Paramesvaran is another.

MR. T. LAKSHMANA PILLAI (*Nominated*): May I know how the other communities such as the Tamilians will be represented here?

PRESIDENT: To whom are you putting the question?

MR. A. HOOGEWERF (*Nominated*): It is not exactly nomination or election. Unless the member has a backbone, even though he is elected by the whole of Travancore, it is useless to come here and sit quiet or say *ditto* to Burke to everything that is said. [*Mr. G. Paramesvaran Pillai: Hear, hear.*] What is wanted is honesty of purpose and a desire to serve the country. Whether one is nominated or elected, it makes no difference whatever. The members should not have communal bias. Catholic members supporting Catholic officers, and Brahmin members supporting Brahmin officers, whether they are right or wrong, simply because they are Catholic or Brahmin—all that sort of thing should go. Members must come here to serve the public. So, whether he is a nominated or an elected member, it makes no difference whatever.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I have great pleasure in supporting the motion just now moved by my friend Mr. Paramesvaran Pillai. The usefulness of the Council, I submit, may be enhanced without amending the Regulation itself. One of these matters has already been referred to, *i. e.*, asking of supplementary

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questions by members other than those who have put the original question. Sitting here I have often felt the need for that power being vested in the members of this Council when supplementary questions are being put to official members in charge of the several subjects. There is absolutely no reason why other members too should not be allowed to ask supplementary questions. It is merely with a view to elicit information from official members who are in charge of the department.

Another direction in which, I think, the Council rules may be amended is in regard to the restrictions put upon interpellations and resolutions. In regard to the subject-matter of these interpellations and resolutions, the rules are subject to Section 11 of the Legislative Council Regulation. It says:—

"It shall not be lawful for the Legislative Council to consider and enact any measure relating to or affecting—

.....

(*k*) State Charities or

(*l*) Devaswoms belonging to or under the control of Our Government."

In regard to these matters, referring to Section 11 of the Regulation, it may not be quite advisable at the present stage to leave the power merely in the hands of this Council. I do not see, in regard to several of them, why the Council should not have the power to put interpellations and move resolutions. Take for example (*k*) and (*l*) of Section 11 of the Regulation. They are State Charities and Devaswoms on which nearly Rs. 20 lakhs are spent annually by the Travancore Government and they are administered by a separate department of the State. The administration of those departments, it cannot be denied, is of vital concern to the people.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I wish to ask Mr. Parameswaran Pillai whether, if a resolution is passed to the effect that, instead of Rs. 20 lakhs, only Rs. 10 lakhs should be paid in respect of Devaswoms, the Government can accept it.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): There are ample reserve powers vested in the Government to avoid such contingencies.

PRESIDENT: He says that no such resolution could be discussed in the House.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Interpellations and resolutions also. I am speaking about the administration of the department and the money of the department is spent upon Devaswoms and charities. By a special Proclamation, a certain amount of money has been allotted to the administration of the department. I am speaking only with respect to the administration of these funds and not with respect to the allotment. I ask why we should not put interpellations and move resolutions in regard to the administration of these departments.

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MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I have to ask another question. Suppose a resolution is passed to the effect that in the Hindu temples in Travancore there shall not be any വെടിവെയ്പ്പ്. Are the Government bound by it?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Am I at liberty to put a question to Mr. Velu Pillai?

PRESIDENT: You cannot. The member who is putting a question is not in possession of the House. Will you please repeat your question, Mr. Velu Pillai?

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Mr. Paramesvaran Pillai says that, with regard to the administration of the Devaswom Department, this House should have the power to move resolutions and put interpellations in the Council. I would ask Mr. Paramesvaran Pillai whether, if a resolution is passed in the Council that hereafter there shall not be any വെടിവെയ്പ്പ് in the temples—

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): It will have the effect only of a recommendation upon the Government.

PRESIDENT: Yes; a recommendation. Are there not certain matters in regard to which you can interpellate, but you cannot move resolutions?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): No, Sir.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Another matter removed from the cognizance of the Council is Rule 7, which runs as follows:

"(1) No question shall be asked on any of the following subjects:—

(*a*) Any matter removed from the cognizance of the Council under Section 11 of Legislative Council Regulation."

PRESIDENT: It is the rule.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Rule 34 lays down that no such discussion shall be permitted in regard to any of the following subjects:—

"(*a*) Any matter removed from the cognizance of the Council under Section 11 of the Legislative Council Regulation."

This, I submit, is a very vague term and ought to be better enumerated. There is a good deal of complaint with regard to the subject of railways. To effectively represent the complaints of the public in regard to this matter, the Council will have to move resolutions and put interpellations. But that is excluded from the cognizance of the Council because it comes under this particular clause.

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Railways are specifically referred to in another clause—Section 11 (*h*).

PRESIDENT: What he says is right. He says the Council cannot put questions on railways. He is stating what can be done and what cannot be done under the present rule.

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[Mr. C. Sankara Menon].

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Sir, you are aware that there are very many complaints about it. The business people know that it is very difficult to send goods from one place to another as rolling stock and trucks are insufficient to meet the demands. There is no reason why this Council should not have the power to deal with that matter. It appears to me that, by amending some of the rules, it may be possible to enlarge the powers of the Council in regard to the moving of resolutions and putting of interpellations. There are also other directions in which useful amendments to the rule may be made. These are some of the directions in which the rule may be amended so as to make the Council more useful. I have merely given some directions in which the usefulness of the discussion of the Council in regard to the several matters may be enlarged. With these words, I support the motion.

MR. C. SANKARA MENON (*Quilon*): Sir, I would like to say a few words in support of this motion. I would like to bring to the notice of the Council one or two facts. One of them is that items which are votable under the Regulation are made non-votable. The Regulation itself says that "Our Government may appoint any member of the Council to be Deputy President." The honorarium to the Deputy President has all along been a votable item, and from this year it has been made a non-votable item.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): All along it has been a non-votable item.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I point out to Mr. Sankara Menon that this item was not included in the budget for the last two years?

MR. C. SANKARA MENON (*Quilon*): It only relates to the gratuities, salaries, etc., of officers. I do not know whether the Deputy President is an *officer* appointed by Government. Therefore it seems to me that to bring this as a non-votable item is certainly taking away the power of the Council.

Then with regard to the subjects that are prohibited under Section 11 of the Regulation, Mr. K. Paramesvaran Pillai has pointed out that the rules should be so modified as to bring the discussion of some of these subjects within the cognizance of this Council. A liberal interpretation of this Section would enable the Council to consider and offer suggestions on various other questions and also in the discussion of the various other subjects which this Council is competent to consider. These questions which are now prohibited under Section 11 may be relevant. For instance, I had sent up a resolution some time ago to take steps for developing the trade of the country. What I wanted was to consider how our trade has been affected by the increased freight levied by the railway.

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PRESIDENT: You wanted an enquiry. Was that the wording of the resolution? You are referring to reasons. A resolution must be a recommendation to the Government to do something.

MR. C. SANKARA MENON (*Quilon*): It was only a resolution that has been submitted.

PRESIDENT: What was the resolution?

MR. C. SANKARA MENON (*Quilon*): The resolution was with respect to the development of trade, by the reduction of the railway freight, etc.

PRESIDENT: That the railway freight be reduced?

MR. C. SANKARA MENON (*Quilon*): I submit that, in considering that question the consideration of railway freight is relevant. We ought not to be prohibited from discussing these subjects. I submit that this subject might be permitted to be considered by the Council, so that the Council may know how we can develop our trade. Though the Council may not be competent to discuss the internal management of the railways; yet in considering other subjects, the question of the freight of the railway also becomes a relevant question. Those subjects cannot be prevented from being discussed in the Council. All that is necessary is a liberal interpretation of Section 11 of the Regulation to be put by the President. If that is done, it will be possible for the Council to discuss matters which are under the cognizance of the Council without even trenching—

PRESIDENT: What you want is alteration of the rules relating to interpellations.

MR. C. SANKARA MENON (*Quilon*): Neither the rules nor the Regulation need be altered.

PRESIDENT: There is nothing preventing you from referring incidentally to such matters in your resolutions or interpellations.

MR. C. SANKARA MENON (*Quilon*): Even with regard to interpretation of the rule.

PRESIDENT: It is rather hard to ask the President to interpret the rules in a way in which the rules will not bear interpretation.

MR. C. SANKARA MENON (*Quilon*): I do not want that.

PRESIDENT: That is what you stated. You said that the President should interpret the rules more liberally.

MR. C. SANKARA MENON (*Quilon*): I said that should be the main question. The rules should be so interpreted as to enable the Council to discuss all those subjects.

MR. JOSEPH PANJIKARAN (*Shertallai*): Sir, I wish also to support the motion of Mr. G. Paramesvaran Pillai. In supporting it, I would like to make a few observations.

PRESIDENT: May I request you to speak a little louder? You cannot be heard at all.

MR. JOSEPH PANJIKARAN (*Shertallai*): The rules could be interpreted without any prejudice whatever to the interests of Government. As one instance, I may point out Section 11 which reads as follows :—

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[Mr. P. K. Narayana Pillai.]

"It shall not be lawful for the Legislative Council to consider and enact any measure relating to or effecting the ruling family of Travancore."

Of course, certain interpellations have been disallowed for the reason that they affected the ruling family of Travancore.

PRESIDENT: May I point out to you that you cannot discuss a ruling of the President in regard to a particular interpellation you sent and which has been disallowed by the President. You cannot discuss that in the House.

MR. JOSEPH PANJIKARAN (*Shertallai*): I am only referring to an instance.

PRESIDENT: You cannot refer to any instance relating to a disallowance made by the President. You cannot refer to it in the House and criticise the President's ruling in regard to that.

MR. JOSEPH PANJIKARAN (*Shertallai*): It is not for the purpose of criticising any ruling of the President that I am quoting an instance.

PRESIDENT: What else is it for? You say that such and such a disallowance was made and that for such and such a reason that disallowance should not have been made.

MR. JOSEPH PANJIKARAN (*Shertallai*): In that case, what I should submit is that the laws and the rules should be according to the wishes of the people.

PRESIDENT: That is the presumption.

MR. JOSEPH PANJIKARAN (*Shertallai*): If I am not given a chance to speak on it, I would only point out that rulings of that kind practically take away the privileges and rights conferred on us under the Regulation and the rules passed by His Highness the Maha Raja.

PRESIDENT: I am very sorry, but that is the rule. There are very many other places where you may discuss it, but you cannot discuss it in this House.

MR. JOHN MACKIE (*Planters*): I would support the motion in so far as it says that the rules should be altered to enable the House to make interpellations on what I would term commercial matters. Members should be allowed to send in interpellations on such matters as the Cochin Harbour Scheme, the Interportal Convention and railways.

PRESIDENT: Are you referring to these specific matters or to the amendment of the rule itself?

MR. JOHN MACKIE (*Planters*): I am referring to these specific matters.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I should like to support the motion with respect to the question of Devaswoms. With respect to Devaswoms, the fear seems to be that, if one fine day

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this House thinks of abolishing the Devaswoms, they would pass a resolution to that effect. That was the apprehension of Mr. T. K. Velu Pillai. I would point out to him the other aspect, namely, that if the agencies entrusted with the performance of the *Vachunivedyams* commit default in their work, where is the possibility for this House to bring that to the notice of the Government? Let us have some limits within which the efficiency of Devaswom management may be considered. There is considerable difficulty as regards the House to bring forward the delinquency on the part of the officers of Devaswoms to the notice of Government. That is the reason why the Council should be allowed to interpellate and to send in resolutions as regards Devaswoms. May I also point out that the Devaswom Department was found by the Government to be a quagmire at one period of its history, so much so that the Government were forced to take strong measures to separate it from the Revenue Department. As was once pointed out by the esteemed Chief Secretary, it was in the interests of the Devaswoms that the Revenue-Devaswom separation was effected by the Government. After separating it from the Revenue Department, what the Government did was to put a ring-fence round the Devaswom Department to prevent other people from peeping in. It is essential that the Devaswom Department, if it is to function in the interests of the beneficiaries, should be under the gaze of the people, though the Government are not prepared to remove the safeguards which prevent the *raison d'être* of the Devaswoms being questioned. The Government are now jealous that nobody should step in and know how things are being done. That it was a Department in which incorrigible and chronic mismanagement had been rampant has been pointed out. Hence the necessity arose for the Government to separate it. After separation, what the Government did was never to open it to public light but treat it just like a *pardanashin* lady, never to be looked at. If that is the sort of thing the Government are going to do, I would submt that it it is extremely difficult for the people to make any representation and the voice of the people will be practically suppressed.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Is Mr. Narayana Pillai in favour of entrusting temples to local bodies constituted for the purpose?

PRESIDENT: It is being done, I think.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Shall I answer?

PRESIDENT: Yes, you may.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): With respect to that, I had myself to differ from the majority of a committee appointed for the purpose of Devaswom Separation. I put up my separate note and ultimately wound up by saying that, if, in the interests of the administration of the Devaswoms, since the existing arrangement was found unsatisfactory, they might be separated. If the official agency again proved unsatisfactory to manage the Devaswoms, then I would press for

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[Mr. G. Paramesvaran Pillai.]

the creation of a non-official agency for the management whereby the people should be called upon to manage the Devaswoms. We are therefore in an experimental stage—trying the experiment in the last stage to see whether the official agency will be able to do the administration satisfactorily. If they fail to do it satisfactorily, I would urge that these people should be asked to clear out and other people let in to do the work.

Then, with respect to the question of railways also, I really fail to see why the Government cannot allow us to talk about them. Of course, Mr. Krishna Pillai has referred in the morning to an agreement existing between the Railway Company and the Government. No doubt, there must be some sort of agreement. But, I do not think that it precludes the Government from interfering with the administration of the railways for the welfare of the passengers, etc. If it does prohibit the Government from a closer scrutiny of the railways in Travancore, I would certainly urge that the Government should move in the direction of amending the terms of the agreement. So far as the passengers are concerned, our fate has been a very unenviable one. Many of us, members of the Legislative Council, who occasionally assume some importance (*laughter*), find that, when we have to travel by the railway, not even a chair is available at some stations for the convenience of passengers. It would appear from certain statements made in the morning in reply to my interpellations that the railways have been receiving grants for furniture, etc., from the Government. The articles of furniture are generally absent and the chairs are broken and infested with a colony of bugs and other obnoxious vermin. (*Laughter.*) Of course the trade interests are greater interests. I would simply endorse all that has been given expression to in regard to that point by Mr. Mackie. I am myself not competent to speak on that. A wider and closer attention would be extremely desirable. In this light of the matter, I have very great pleasure in supporting Mr. G. Paramesvaran Pillai's motion and urging upon the Government that the rules may be modified just to enable the House to consider these things.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I have nothing further to say than that the suggestions made in the course of the debate on Mr. Paramesvaran Pillai's motion will be carefully examined.

PRESIDENT: The time for the discussion of this Demand has expired. Do you withdraw your motion, Mr. G. Paramesvaran Pillai?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I would make a reply, and then withdraw. As regards the powers of the Council to discuss these matters at the budget time or to legislate upon these matters, move resolutions and put interpellations relating to them, there is a distinction which is mentioned in the Regulation itself. That is

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to say, in regard to legislation, the rule says that, during the discussion of the budget, certain matters shall not be taken up for consideration, and again in regard to the asking of questions and moving of resolutions it is open to Government to relax the rigour of the Regulation.

PRESIDENT; To which Section do you refer?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Section 17 of the Regulation. It says thus:—

"Subject to such restrictions and conditions as to subjects and other matters as may be imposed by our Government by rules under this Regulation, any member of Council may,—(1) ask questions and (2) move resolutions."

PRESIDENT: The rule has to be altered?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Yes. In regard to the alteration of the rules, if the Government are very particular that there should be some reserve power in their hands to disallow any legislation or discussion at budget time, it may be possible to have such a rule as in the case of the Government of India Act which also runs on the same lines. It says "except with the permission of the Governor-General in Council". So too we may have "Except with the permission of the Dewan, no matter shall be taken up for discussion." Our Regulation is significant for this omission. When the Government want to know the opinion of this Council, it might be possible under that Rule for the President of this Council as President to allow this discussion when he happens also to be the Dewan. There cannot be any fear that we may pass any resolution which may put the Government to difficulties in regard to the abolition of particular departments. About the sweet reasonableness and good sense of this Council high testimony has been obtained. So, I think we will not be unreasonable. I would therefore request that the rules be altered at least before the next Council comes up. I withdraw the motion.

The motion was, by leave, withdrawn.

PRESIDENT: The time allotted for this Demand having expired, the remaining motions lapse.

Motions 143 to 151.

The following motions lapsed:

MR. N. KUMARAN:

143. To reduce the allotment of Rs. 22,100 for Legislative Council by Rs. 100.

MR. M. R. MADHAVA VARIAR:

144. To reduce the allotment of Rs. 22,100 for Legislative Council by Rs. 100.

MR. T. KUMARA PILLAI:

145. To omit the allotment of Rs. 3,037 for Director of Office Systems.

MR. V. KUNJUKRISHNA PILLAI:

146. To reduce the allotment of Rs. 3,037 for Director of Office Systems by Rs. 600.

MR. N. KUMARAN:

147. To reduce the allotment of Rs. 3,037 for Director of Office Systems by Rs. 100.

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[Mr. M. R. Madhava Variar.]

MR. M. R. MADHAVA VARIAR:
148. To reduce the allotment of Rs. 3,037 for Director of Office Systems by Rs. 100.

MR. G. PARAMESVARAN PILLAI:
149. To reduce the total allotment of Rs. 1·92 lakhs under Demand VII by Rs. 100.

THE REV. FATHER KURIAKOSE VETTIKKAPALLI:
150. To reduce the total allotment of Rs. 1·92 lakhs under Demand VII by Rs. 100.

MR. TARIATU KUNJITOMMAN:
151. To reduce the total allotment of Rs. 1·92 lakhs under Demand VII by Rs. 100.

PRESIDENT: I now put to the vote of the House Demand VII —General Administration—Huzur Cutcherry etc.—for Rs. 1·92 lakhs. I take it that the House sanctions it.

The grant was made.

DEMAND VIII—GENERAL ADMINISTRATION—ACCOUNT OFFICE.

MR. K. GEORGE (*Financial Secretary to Government*): Sir, I move for a grant not exceeding Rs. ·93 lakh under Demand VIII—Account Office.

Motion 152.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): I beg to move the following motion:—

152. To reduce the allotment of Rs. ·93 lakh under Demand VIII by Rs. 100.

I have sent up this motion mainly with the object of discussing the question whether the Account Office and the Financial Section have to be separated. The work of the Financial Secretary and that of the Account Officer are essentially different. The duty of the Financial Secretary is to advise Government on matters of finance, to devise new sources of revenue, and to curtail expenditure. Mr. George, in whom is combined the duties of the Financial Secretary and the Account Officer, has complained that his work has been getting heavier every day. With the inauguration of the reformed Legislative Council, the formation of a separate Financial Section was found necessary. In the last budget discussion, Mr. George said that, "when important questions were to be dealt with and proper notes were to be written, he himself would have to attend to them, and that in very many cases the notes had to be dictated by him. He also remarked that the Council could very well understand what strain it will cause to the chief officer—especially when the work of the Department is very heavy. The chief officer has also the duty of supervising the work of one hundred and odd clerks. His work has also increased by the issuing of the new Account Code." With regard to this point Mr. George himself has stated that "at present references from Government are not compulsory; but that in the new Account Code which is about to be issued, Government have laid down that certain questions should not be disposed of by the Administrative Secretariat without previous reference

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to the Financial Department. For instance, all schemes submitted by heads of departments will have to be referred to the Financial Department which will have to deal with them from the financial standpoint. Recently, in connection with the budget, when the heavy budget work was in full swing, as many as 65 schemes came to the finance department for urgent handling during a period of about two weeks. Again, there is no arrangement in the Financial Section at present to deal with any general questions such as the revision of the travelling allowance rules, the question of economising expenditure on contingencies, etc."

We can fairly infer from these remarks of the Financial Secretary that he has not had sufficient time to be devoted to the consideration of financial questions and to the supervision of the Account Department. If the Finance and Account Departments are separated the Financial Secretary and the Account Officer will have both sufficient time to do their legitimate work. By the constitution of the reformed Legislative Council, the Account Officer has to act as the agent of the Legislative Council in seeing that grants are not diverted by Government for purposes not intended by the Council and that the expenditure under each grant is not exceeded. The Financial Secretary himself admits that this function is not satisfactorily discharged at present. It has been clearly established by the treasury defalcation at Quilon that the supervision of the Account Office is not efficient. Those who inspected the treasury were not able to detect the mistakes in the accounts. Even the Account Office was not able to find out the extent of defalcation without deputing a special officer to Quilon and spending an extra amount of public money. This fact shows that the Account Department will have to scrutinise more carefully the work of the subordinates and that a better arrangement has to be made in the Account Office. We do not know at present whether there is any defalcation in any other treasuries. In view of the defalcation at Quilon, the accounts of all the treasuries have to be specially audited and special rules have to be framed to prevent a repetition of the case at Quilon. For all these purposes, a re-organisation of the Account Office and the separation of the Finance and Account Departments is necessary. It is admitted by the Government that there is scope for retrenchment in some departments. The Financial Secretary should be entrusted with the work of investigating and reporting on the question of retrenchment. For these reasons, I think a separation is necessary.

MR. K. GEORGE (*Financial Secretary to Government*): Sir, this question of the separation of the Accounts Department from the financial branch of it was discussed in a resolution which was moved in the House more than a year ago. At that time I pointed out to the House that, though the work was heavy, I was able to manage it. No doubt, what Mr. Madhava Variar says about the heavy work in the Account Office is correct. I do not also deny that there are very many advantages to be secured by having the Finance Department separate from the Account Office. As regards the duties of the Financial Department the new Account Code which has been already issued makes

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[Mr. K. George.]

definite provision as to what these duties are. If those rules are adhered to, the work is bound to grow heavier. But we have not yet had experience of the result of the introduction of that Code. As I had already stated Government were generally referring, even before the issue of the Code, many of the matters now provided for in the Code. In spite of the fact that we have heavy work, we are somehow managing. I would ask the House whether it is advisable at present to consider this question of separation, when it would mean additional expenditure to Government. The House is aware that, owing mainly to the floods, our revenues this year may not be as satisfactory as we anticipated when we framed the budget. That being so, I daresay we would agree that this is not a favourable year to go in for additional expenditure when we can do without that. We may take up the question of separation when matters come to a stage when we cannot do otherwise than by separation.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I know what the new items of expenditure will be in case a separation is effected?

MR. K. GEORGE (*Financial Secretary to Government*): There will be an Account Officer different from the Financial Secretary. He will have to be paid separately.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Is it only the pay of another officer that stands against the separation?

MR. K. GEORGE (*Financial Secretary to Government*): There will be a separate staff also. All the work that is now done by the Account Office will still have to be done and a certain number of additional hands will have to be sanctioned separately for financial work.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Am I to understand from this that the staff is being overworked?

MR. K. GEORGE (*Financial Secretary to Government*): To my mind the staff is being heavily worked; I do not say overworked.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Is it a fact that, under the existing arrangement, any of the items of work relating to the Finance and the Accounts Department are being omitted?

MR. K. GEORGE (*Financial Secretary to Government*): The Financial Department does its work mainly on references from Government.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): That is not my question. Because of the absence of the separation, does it happen that any of the items of work either in the Finance Department or in the Account Office are being omitted?

MR. K. GEORGE (*Financial Secretary to Government*): Certainly not.

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MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Will it not be enough then if some clerks are put under the Financial Secretary and others under the Account Officer from the existing staff?

PRESIDENT: You say that the work will be done better. Is that what you say, Mr. Velu Pillai?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Yes.

MR. K. GEORGE (*Financial Secretary to Government*): When an officer is exclusively deputed for a particular work he will do it better.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know approximately what sum will be required for the purpose?

MR. K. GEORGE (*Financial Secretary to Government*): About Rs. 10,000 or Rs. 12,000.

PRESIDENT: The Financial Secretary's salary itself will be Rs. 7,000 or Rs. 8,000 in the least.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): In that case, shall we not be able to do away with some of his Assistant Account Officers?

MR. K. GEORGE ((*Financial Secretary to Government*): The Assistant Account Officers do not now assist the Financial Secretary in the purely financial portion of his work.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Shall I take it that the Financial Secretary's work is light and it is on that account that an assistant is not required?

MR. K. GEORGE (*Financial Secretary to Government*): I wonder how he can draw that inference.

Mr. Madhava Variar referred to the treasury defalcation case at Quilon. He said that the Account Department was responsible for not detecting the defalcation. I think he made that remark because of the want of a proper understanding of the relative functions of the Account Department and the controlling officer.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): May I know whether the accounts in the Quilon Treasury were audited by the Account Office?

MR. K. GEORGE (*Financial Secretary to Government*): We audit only in the central office here.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): May I know whether any mistake was found out?

MR. K. GEORGE (*Financial Secretary to Government*): Several mistakes were discovered in audit and they have been reported to the controlling officers but no defalcation was found out.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): Then there is no use of auditing it here if no defalcation can be found out.

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[Mr. P. K. Narayana Pillai.]

MR. K. GEORGE (*Financial Secretary to Government*): Defalcations cannot generally be found out by audit in a central office which is mainly confined to expenditure. As regards the receipts that are paid into a treasury, the system of accounting is this. Government revenue is paid into the Treasury. We get in the central office only a consolidated account from the treasury signed by the controlling officer. That is not subject to any check here; it cannot obviously be. At the close of the month, after the accounts are consolidated, extracts from the accounts are sent to the controlling officers who get from their subordinates corresponding returns of revenue realised and paid into the treasuries. The duty of detecting differences between the two is laid upon the controlling officers. So, any audit of receipts in the central office will be of no use for the purpose of detecting frauds.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Then what is the object of the financial abstract and the monthly returns submitted to the Account Department?

MR. K. GEORGE (*Financial Secretary to Government*): The central office has to prepare the financial abstracts for the whole State from these returns. So far as the receipts are concerned, the Audit Department does not have any special responsibility.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): May I know whether Account Officers inspect these treasuries?

MR. K. GEORGE (*Financial Secretary to Government*): Yes; the inspection is done once a year. That is so far as the divisional treasuries are concerned. So far as the sub-treasuries are concerned, we inspect them only once in three years. The treasuries will have to be inspected very minutely and a detailed audit at the treasury will also have to be made if any defalcation is to be detected. Even then, fraud could be detected only if the returns received in the Account Office were taken to the treasury and checked there with the office copies.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know whether the Account Officer exercises any supervision over the work of the controlling officer?

MR. K. GEORGE (*Financial Secretary to Government*): No. The Account Officer has no definite control over the Peishkar.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): Is the Peishkar expected to know the accounts?

MR. K. GEORGE (*Financial Secretary to Government*): Yes, he is expected to know the accounts and the duty of seeing that the treasury is efficiently working is laid on him by the Account Code.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): The question is whether there is supervision by the Account Officer over the controlling officer sufficiently to know whether he is doing his work.

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MR. K. GEORGE (*Financial Secretary to Government*): In a way there is.

PRESIDENT: The question is whether he has got the power vested in him of supervising the work of the controlling officer.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Is Mr. George aware that the Division Peishkars depute their subordinates, particularly the Division Assistants, to inspect the treasuries?

MR. K. GEORGE (*Financial Secretary to Government*): That is allowed by the rules.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Who inspects the treasuries more often? Is it the Division Peishkar or his Assistants?

MR. K. GEORGE (*Financial Secretary to Government*): There are two different kinds of inspection. There is an inspection which is done only half-yearly and there is the monthly verification of balance. Usually the inspection, so far as my memory goes, is done more by the Peishkars, although the Division Assistants also occasionally do it. But the monthly verification is, I believe, more often done by the Division Assistants than by the Peishkars. This verification relates to the checking of the cash balance and the signing of the cash account of receipts. This work is often delegated by Peishkars to the Division Assistants.

Mr. Madhava Variar asked whether the Peishkars are technically trained auditors. Technical training is not necessary for the detection of a fraud of the kind that took place in Quilon.

MR. JOHN MACKIE (*Planters*): What is the scale of pay of the Division Assistants?

MR. K. GEORGE (*Financial Secretary to Government*): There are two grades, one carrying Rs. 250 to Rs. 300 and the other carrying Rs. 300 to Rs. 400. The Treasury Officer, who has the executive charge, of a treasury, draws a pay of Rs. 200 to 250 so that the officer who inspects is higher than he. Without going into the details, I do not think it possible to decide the respective responsibility of the Peishkar and the Account Officer. The Quilon defalcation case, Sir, is now before a criminal court and I doubt if it will be proper to discuss it here now. I would, however, say that the audit officer is not responsible for the treasury defalcations or even for detecting them—unless accidentally, of course, by going to the treasury and by conducting a detailed checking there. But neither in British India nor here have we any rules laying down that the Account Officer should do that. In fact his inspection is not intended to take away the responsibility of the controlling officer. I may say that the defalcation in question was found out by the audit department.

MR. N. PADMANABHA PILLAI (*Karunagapalli*): May I know whether there is any special difficulty with regard to checking?

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[Mr. T. K. Velu Pillai.]

MR. K. GEORGE (*Financial Secretary to Government*): First of all, it did not strike us that we should conduct a detailed checking at the treasury. As I said, there is no such practice in British India. Secondly, the time allowed for inspection by the Account Officer is very limited. He is usually allowed only five days. If he has to make a thorough audit of the accounts at a treasury, it will take something like a month for one year's accounts to be audited with reference to the various subsidiary registers and other minor accounts. The Assistant Account Officer was deputed for the investigation of the frauds, and he took three months to find out all the items of defalcation. So it will be found that such a sort of detailed local inspection or rather local audit of treasury accounts is impracticable without at the same time sacrificing the inspection and audit of various other departmental accounts.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): May I know whether the accounts of the treasury were audited before the defalcation case at Quilon?

MR. K. GEORGE (*Financial Secretary to Government*): Yes.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): When?

MR. K. GEORGE (*Financial Secretary to Government*): In 1098. In fact, every year we inspect all the Divisional treasuries once; and the sub-treasuries, as I said, are being inspected once in three years. All that I can say is that the Account Department, holding a central place, is doing as much as it can. As I said, this particular defalcation was itself found out by the vigilance of the Account Department.

MR. N. PADMANABHA PILLAI (*Karunagapalli*): May I know when the Quilon defalcation took place?

MR. K. GEORGE (*Financial Secretary to Government*): In 1098 and partly in 1099 also.

MR. N. PADMANABHA PILLAI (*Karunagapalli*): When was it detected?

MR. K. GEORGE (*Financial Secretary to Government*): In 1099.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Is there no difference between the inspection of treasuries by the Chief Account Officer and that by his Assistants?

MR. K. GEORGE (*Financial Secretary to Government*): Absolutely no difference. The Chief Account Officer does not go out often for treasury inspection.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): In case the Chief Account Officer inspects and also his Assistants inspect—is there no difference?

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MR. K. GEORGE (*Financial Secretary to Government*): Whether the Chief Account Officer or an Assistant Account Officer inspects, the inspection will mean the same.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Is it the inspection by the Account Officer or by his Assistant—which will count more with the subordinates?

MR. K. GEORGE (*Financial Secretary to Government*): No doubt, if a higher officer goes, there may be greater regard for that person. (*Laughter.*)

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): If the functions are separated, would it not be possible for the Account Officer to pay more frequent visits to the treasuries?

MR. K. GEORGE (*Financial Secretary to Government*): Yes.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know whether the rules themselves require any modification to make defalcation impossible?

MR. K. GEORGE (*Financial Secretary to Government*): No amount of rules could make defalcation impossible. (*Laughter.*)

MR. JOHN MACKIE (*Planters*): Is it not possible for the Government to appoint an auditor to inspect the accounts locally and keep up a continual audit?

MR. K. GEORGE (*Financial Secretary to Government*): A central audit is now done here.

MR. JOHN MACKIE (*Planters*): I mean a continual audit. A man who is qualified should be appointed and he should visit the different treasuries regularly.

PRESIDENT: Is such continual audit done elsewhere? You will then need a man appointed at each place.

MR. K. GEORGE (*Financial Secretary to Government*): There is no guarantee that that particular man will not also be involved in defalcations.

MR. JOHN MACKIE (*Planters*): Government have to trust some one.

MR. K. GEORGE (*Financial Secretary to Government*): The Treasury Officer is a man of status.

PRESIDENT: It will depend upon the standing of the man. But, Mr. Mackie, it would involve great expenditure to appoint a qualified auditor in each place.

MR. K. GEORGE (*Financial Secretary to Government*): That may itself not stop any defalcation either. (*Laughter.*)

MR. M. R. MADHAVA VARIAR (*Chengannur cum Pattanamtitta*): I do not press the motion.

The motion was, by leave, withdrawn.

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[Mr. N. Ramakrishna Pillai.]

Motion 153.

The following motion was not moved since the member was absent at the time:—

MR. K. PARAMESVARAN PILLAI:

153. To reduce the total allotment of Rs. ·93 lakh under Demand VIII by Rs. 100.

PRESIDENT: Now I put this demand to the vote of the House, Demand VIII, General Administration—Account Office—for Rs. ·93 lakh. I take it that the House sanctions the Demand.

The grant was made.

The Council adjourned for lunch at 2-8 P. M. and re-assembled at 3-9 P. M.

NEW MEMBER.

The following new member was sworn in amidst cheers:—

Mrs. M. Poonen Lukose B. A., M. B., B. S. (Lond.) L. M. (Rotunda) (*Surgeon in Charge of the Darbar Physician's duties*).

DEMAND FOR GRANTS—(CONTD.)

DEMAND IX—ADMINISTRATION OF JUSTICE.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, I beg to move for a grant not exceeding Rs. 6'8 lakhs under Demand IX—Administration of Justice.

Motion 154.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): Sir, I beg to move:—

154. To reduce the allotment of Rs. 28,215 for clerical establishment by Rs. 1,200.

I find from the budget that provision is made for an Indexer and Law Reporter on Rs. 100—125. My motion relates to the officer provided with a pay of Rs. 100—125. In the ministerial establishment of the High Court, there are the Registrar, the Deputy Registrar, the Manager, and the Indexer and Law Reporter in the senior grades. The Registrar and the Deputy Registrar have sufficient work in the High Court. But the fact that the Manager has very little work to attend to has been brought to the attention of the Government, I believe, during prior occasions. The Law Reporter and Indexer too has got sufficient work to attend to. The officer who has very little work to do is really the Manager. He gets a pay of Rs. 125—150.

My proposal is that the place of the Indexer and Law Reporter may be done away with and the Manager may be asked to look after the work of indexing and law reporting. In that case, the Manager will have sufficient work and one place on Rs. 100—125 may be dispensed with. No doubt the Indexer and Law Reporter should be a person conversant with the law. Necessarily he must be a graduate

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